

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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JOHANNA PEPIN-SANCHEZ,

DOCKET NO. 1:22-cv-5583

Plaintiff,

-against-

**COMPLAINT**

UNITED STATES POSTAL SERVICE,

Defendants.  
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Plaintiff, JOHANNA PEPIN-SANCHEZ by her attorneys, SHAEVITZ & SHAEVITZ, respectfully alleges upon information and belief:

1. That this Court has jurisdiction over the subject matter of this law suit under 39 U.S. Code §409 and 28 U.S. Code § 2679 (b), 1346 (b), 2672.
2. That the plaintiff, JOHANNA PEPIN-SANCHEZ is a resident if the County of Queens in the State of New York.
3. That at all times hereinafter alleged, and upon information and belief, the defendant, UNITED STATES POSTAL SERVICE, is a federal government agency, an establishment of the executive branch of the Government of the United States, pursuant to [39 U.S.C. § 201](#).
4. This cause of action arises from a motor vehicle accident that occurred on Friday, October 23, 2020 at or about 2:15 p.m. in Queens County, City of New York, State of New York. Wherein a vehicle owned by the UNITED STATES POSTAL SERVICE and operated by their employee, YU ZHANG, collided into the person of the plaintiff who was a lawful pedestrian.
5. Accordingly, the United States District Court for the Eastern District of New York is the proper judicial district pursuant to 28 U.S.C. § 1402.
6. This action is brough pursuant to the Federal Tort Claims Act, 28 U.S.C. § 1346 (b); 28

U.S.C. § 2671, et seq.; and 39 U.S.C. § 409.

7. That on or about December 3, 2020 and December 14, 2020, the Plaintiff caused an administrative claim to be filed with the UNITED STATES POSTAL SERVICE, Law Department/National Tort Center, 1720 Market Street, Room 2400, St. Louis, MO 63155 and Tort Claims Investigations/Triboro District, 1050 Forbell St., Room 2011.2, Brooklyn, NY 11256. Defendant acknowledged said administrative claim via letter dated January 29, 2021.

8. Despite the lengthy passage of time, the defendant has neither accepted nor denied the claim.

9. That this claim was filed within two (2) years as prescribed by 28 U.S.C. § 2401 (b).

10. That over six (6) months have elapsed since the defendant's receipt of the plaintiff's claim, and the defendant has failed to respond to accept or deny the claim.

11. That the amount in controversy exceeds the sum of \$10,000,000.00.

12. Plaintiff demands a trial by jury on all issues.

AS AND FOR A FIRST CAUSE OF ACTION

13. That on October 23, 2020 an automobile with license plate number 3311203 came in contact with the plaintiff JOHANNA PEPIN-SANCHEZ at the intersection of Parsons Boulevard and 75<sup>th</sup> Road in the County of Queens, State of New York.

14. That on October 23, 2020 an automobile with license plate number 3311203 owned by the UNITED STATES POSTAL SERVICE and operated by YU ZHANG came in contact with the plaintiff JOHANNA PEPIN-SANCHEZ at the intersection of Parsons Boulevard and 75<sup>th</sup> Road in the County of Queens, State of New York.

15. That at the time of the accident, plaintiff, JOHANNA PEPIN-SANCHEZ, was a pedestrian crossing the street with the signal and within the cross walk.

16. That at the time of the accident, plaintiff, JOHANNA PEPIN-SANCHEZ, was lawfully on

aforementioned said street / crosswalk.

17. That at the time of the accident, the motor vehicle with license plate 3311203 was owned by the UNITED STATES POSTAL SERVICE.

18. That at the time of the accident, the motor vehicle with license plate 3311203 was operated by YU ZHANG.

19. That at the time of the accident, YU ZHANG was an employee of the UNITED STATES POSTAL SERVICE.

20. That at the time of the accident, YU ZHANG was operating the motor vehicle bearing license plate 3311203 within the course of his employment with the UNITED STATES POSTAL SERVICE.

21. That YU ZHANG operated the motor vehicle with license plate 3311203 with the knowledge, consent and permission of the UNITED STATES POSTAL SERVICE.

22. That as a result of the aforesaid contact, plaintiff, JOHANNA PEPIN-SANCHEZ, was seriously injured.

23. That the aforesaid accident was caused wholly and solely by reason of the negligence of the defendant, its servants, agents and employees without any fault or negligence on the part of the plaintiff, JOHANNA PEPIN-SANCHEZ.

24. That the defendant, its servants, agents, and/or employees were negligent in their maintenance and repair of the aforesaid motor vehicle.

25. That the defendant, its servants, agents, and/or employees were negligent in their control of the aforesaid motor vehicle.

26. That the defendant, its servants, agents, and/or employees were negligent in their operation of the aforesaid motor vehicle.

27. That by reason of the foregoing, plaintiff, JOHANNA PEPIN-SANCHEZ, sustained severe and permanent personal injuries, including past and future pain and suffering; past and future loss wages; past and future medical expenses; and miscellaneous expenses, such as travel expenses to medical appointments.


28. By reason of the foregoing, plaintiff, JOHANNA PEPIN-SANCHEZ, was damaged in the amount of TEN MILLION (\$10,000,000.00) DOLLARS.

29. Plaintiff request trial by Jury.

**WHEREFORE**, plaintiff demands judgment against the defendant in the amount of TEN MILLION (\$10,000,000.00) DOLLARS, together with costs and disbursements of this action.

Dated: Jamaica, New York  
September 16, 2022

Yours,

  
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MICHAEL W. BUTLER, ESQ.  
SHAEVITZ & SHAEVITZ  
Attorney for Plaintiff  
148-55 Hillside Avenue  
Jamaica, New York 11435  
718-291-3400



**ATTORNEY AFFIRMATION**

**MICHAEL W. BUTLER, ESQ.**, an attorney admitted to practice in the Courts of New York State, affirms that the following statements are true pursuant to CPLR 2106:

That I am an associate with the law firm of **SHAEVITZ & SHAEVITZ**, attorneys for the Plaintiff(s) in the above-entitled action; that I have read the foregoing, **COMPLAINT** and knows the contents thereof; and that the same is true to my own knowledge, except as to the matters therein stated to be alleged upon information and belief, and as to those matters believed it to be true.

That the source of Affirmant's information is based upon investigations made, and papers and statements in the file.

Affirmant further says that the reason this Affirmation is made by your Affirmant and not a verification made by the Plaintiff(s) is because upon information and belief, the Plaintiff(s) lives outside the County in which Affirmant maintains his office, at the time the proceeding was commenced.

Dated: Jamaica, New York  
September 16, 2022

By:   
**MICHAEL W. BUTLER, ESQ.**

Docket Number: **1:22-cv-5583**

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

JOHANNA PEPIN-SANCHEZ ,

Plaintiff,

-against-

UNITED STATES POSTAL SERVICE.

Defendants.

**COMPLAINT**

*SHAEVITZ & SHAEVITZ.*

*Attorneys for Plaintiff(s)*

*Office and Post Office Address, Telephone*

*148-55 Hillside Avenue*

*Jamaica, New York 11435*

*718-291-3400*

"WE DO NOT ACCEPT SERVICE BY ELECTRONIC TRANSMISSION (FAX)"

To:

Attorney(s) for

Service of a copy of the within

is hereby admitted

Dated: ,

Attorney(s) for

PLEASE TAKE NOTICE

**NOTICE OF ENTRY**



That the within is a (certified) true copy of an ORDER entered in the office of the clerk of the within named court on , 2022.

**NOTICE OF SETTLEMENT**



That an Order of which the within is a true copy will be presented for settlement to the Hon. one of the judges of the within named court, at on , 2022, at 10:00 a.m.

Dated: Jamaica, New York

TO:

SHAEVITZ & SHAEVITZ

Attorney for Plaintiff

148-55 Hillside Avenue

Jamaica, New York 11435

(718) 291-3400